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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,668	11/03/2001	Frank Brooks		7285

7590 07/14/2004
Matthew J. Peirce, Esq.
1550 Starlight Canyon Avenue
Las Vegas, NV 89123

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,668

Applicant(s)

BROOKS, FRANK

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al (US 5,394,445).
3. In regards to claims 1, 6, 8, and 10, Ball discloses a system and method for screening telephone calls (col. 4 lines 52-59) comprising: an interceptor unit (electronic telephone receptionist (ETR 4A-B), the interceptor unit having an outer casing, the

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interceptor unit also having an input jack for receiving a first telephone line, the interceptor unit also having an output jack for connecting to a second telephone line (col. 4-5 lines 64-8), a telephone wall jack (telephone jack 10), a first telephone line having two ends, a first end and a second end, the first end of the first telephone line hooked up to the telephone wall jack, the second end of the first telephone line hooked up to the input jack on the interceptor unit (Fig. 1, Fig. 2, and col. 4-5 lines 64-8), a telephone (telephone set 8), a second telephone line having two ends, a first end and a second end, the first end of the second telephone line hooked up to the output jack on the interceptor unit, the second end of the second telephone hooked up to the telephone (col. 4-5 lines 64-8), a speaker attached to the interceptor unit (speaker 22); a programmable numerical keypad attached to the top of the interceptor unit (col. 12 lines 35-56); power means to provide power to the interceptor unit (col. 17 lines 1-4), and wherein when an individual would place an incoming phone call to a residence that would have system installed, the interceptor unit would intercept the phone call and require the individual to enter a numerical code within a specified period of time, and further wherein the interceptor unit would terminate the incoming phone call if the numerical code had not been entered within the specified period of time, and further when the speaker on the interceptor unit would play an eternal melody note that would indicate a welcome call if the individual entered the numerical code within the specified period of time, and further wherein the telephone call would be passed on to the telephone (col. 8-9 lines 34-14). Ball, however, does not disclose a plurality of indicator lights located on the outer casing of the interceptor unit. Ball does disclose an indicator

light (light emitting diode (LED) 48) located on the outer casing of the interceptor unit.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the system with a plurality of indicator lights located on the outer casing of the interceptor unit as a way of indicating the number of pending incoming messages/calls.

4. In regards to claims 2, 3, 4, and 5, Ball discloses a system for screening telephone calls, wherein an indicator light (light emitting diode (LED) 48), indicates the number of pending incoming messages/calls (col. 6 lines 35-38). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the system with different light colors (red, yellow, and green), as a way of indicating completed calls, attempted calls, and whether or not the interceptor is on.

5. In regards to claim 7, Ball discloses a system for screening incoming telephone calls, wherein the power means would be a battery incorporated within the interceptor unit (col. 17 lines 1-4).

6. In regards to claim 9, Ball discloses a method for screening incoming calls, wherein the numerical code is a calling number delivery (CND) (col. 8-9 lines 34-14). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to use a 2/3 code as the numerical code.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mashinsky (US 6,553,115) teaches an automated access

telephone system. Freeman (US 4,591,664) teaches a multichannel interactive telephone answering apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin
July 8, 2004


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700